

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAZIN YALDO,

Plaintiff,

CIVIL CASE NO. 05-40321

v.

MERCEDES-BENZ CREDIT CORPORATION
d/b/a MERCEDES-BENZ CREDIT,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is Defendant's motion to dismiss or stay proceedings and the Report and Recommendation of the Honorable Steven D. Pepe, United States Magistrate Judge. The Magistrate Judge recommends that this Court grant Defendant's motion and that this case be dismissed on a finding that Defendant is not a debt collector as defined by 15 U.S.C. § 1692a(6)(F). The Magistrate Judge served the Report and Recommendation on all parties on July 7, 2006 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately July 24, 2006. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual

or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 26] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant’s motion to dismiss or stay proceedings [docket entry 7] is **GRANTED**.

IT IS FURTHER ORDERED that this action, No. 05-40321, is **DISMISSED**, due to a finding that Defendant is not a debt collector as defined by 15 U.S.C. § 1692a(6)(F).

SO ORDERED.

Dated: August 23, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on August 23, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

James W. Rose; Scott S. Yaldo, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845